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25 UNITED STATES DISTRICT COURT
26 FOR THE NORTHERN DISTRICT OF CALIFORNIA
27 SAN FRANCISCO DIVISION

28 AMERICAN FEDERATION OF
GOVERNMENT EMPLOYEES, AFL-CIO,
et al.,

Plaintiffs,

v.

DONALD J. TRUMP, in his official capacity
as President of the United States, et al.,

Defendants.

Case No. 3:25-cv-03698-SI

**DECLARATION OF DREW MAMMEL IN
SUPPORT OF MOTION FOR
PRELIMINARY INJUNCTION**

DECLARATION OF DREW MAMMEL

I, Drew Mammel, declare as follows:

1. I am employed as a litigation assistant by the law firm of Altshuler Berzon LLP. My responsibilities include conducting factual research for agency announcements, press releases, and press articles related to the issues raised by the above-captioned case. I make the following declaration from personal knowledge and if called upon could competently testify thereto. I have reviewed the articles described in this declaration, which is provided in support of Plaintiffs' Motion for Preliminary Injunction.

2. **State Department.** On May 9, 2025, Government Executive reported that "[t]he State Department's upcoming staff cuts ... are expected to impact around 3,400 employees beginning in early June, according to the agency's briefings with lawmakers and employees with knowledge of the matter." According to the article, "[b]y June 2, office eliminations will begin and RIF notices will start to go out. **The reorganization will be fully implemented by July 1.**" The article also reported that employees have already "begun to receive informal notifications [that] their roles will be cut." A true and correct copy of the article, *State Dept. cuts poised to be more severe than previously outlined, with 3,400 employees on the chopping block*, which is available at and has been downloaded from the link <https://www.govexec.com/management/2025/05/state-dept-cuts-poised-be-more-severe-previously-outlined-3400-employees-chopping-block/405171/>, is attached hereto as Exhibit A.

3. **Commerce.** On May 7, 2025, the Citizen Times reported that a **RIF is scheduled at the National Centers for Environmental Information ("NCEI")**, which is part of the Department of Commerce's National Oceanic and Atmospheric Administration ("NOAA"). The article states that NCEI is "the office that manages climate data critical to disaster preparation and response." The article reports that, "according to internal briefing material obtained by the Citizen times," "staffing cuts are slated for NCEI through a reduction in force planned for later this year." A true and correct copy of the article, *NCEI, office critical to disaster prep and response, hit with more DOGE staffing cuts*, which is available at and has been downloaded from the link <https://www.citizen->

times.com/story/news/local/2025/05/07/more-doge-staffing-cuts-at-ncei-as-reduction-in-force-
looms/83477853007/, is attached hereto as Exhibit B.

4. EPA. On May 6, 2025, the New York Times reported that the Environmental Protection Agency (“EPA”) “plans to eliminate Energy Star, the popular energy efficiency certification for dishwashers, refrigerators, dryers and other home appliances, according to agency documents and a recording of an internal meeting.” The article states that “EPA managers announced during a staff meeting on Monday that **divisions that oversee climate change and energy efficiency would be eliminated as part of an agency reorganization.**” According to the article, **the changes “are part of a broader restructuring” at EPA**, and “other programs on the chopping block include the E.P.A.’s work on climate economics, climate science, climate policy, [and] greenhouse gas reporting.” A true and correct copy of the article, *E.P.A. Plans to Shut Down the Energy Star Program*, which is available at and has been downloaded from the link <https://www.nytimes.com/2025/05/06/climate/epa-energy-star-eliminated.html>, is attached hereto as Exhibit C.

5. On May 7, 2025, NPR published an article reporting that EPA “plan[s] to eliminate its Energy Star offices.” The article reported that “[t]he changes, outlined in agency documents reviewed by The Associated Press, **are part of a broad reorganization at the EPA that would eliminate or reorganize significant parts of the office focused on air pollution.**” The article states that: “In the 2000s, Congress directed the EPA and Department of Energy to run an energy-efficiency program and promote Energy Star.” A true and correct copy of the article, *Energy Star, efficiency program that has steered consumer choice, targeted in cuts*, which is available and has been downloaded from the link <https://www.npr.org/2025/05/07/g-s1-64905/energy-star-program-cuts>, is attached hereto as Exhibit D.

6. HHS. On May 11, 2025, Politico reported that cuts to the Department of Health and Human Services (“HHS”) have “incapacitated congressionally mandated programs.” The article reports that “[s]ome congressionally mandated programs saw their entire staff dismissed, including the firefighter cancer registry that was created by legislation President Donald Trump signed in his first term.” The article noted that several of the eliminated programs “state on their

1 government websites that they are no longer operating because of the layoffs.” A true and correct
2 copy of the article, *RFK Jr., DOGE gutted legally required offices. Courts may undo it all*, which is
3 available at and has been downloaded from the link
4 [https://www.politico.com/news/2025/05/11/trump-transforms-congressionally-mandated-health-](https://www.politico.com/news/2025/05/11/trump-transforms-congressionally-mandated-health-offices-into-ghost-towns-00340176)
5 [offices-into-ghost-towns-00340176](https://www.politico.com/news/2025/05/11/trump-transforms-congressionally-mandated-health-offices-into-ghost-towns-00340176), is attached hereto as Exhibit E.

6 I declare under penalty of perjury under the laws of the United States that the foregoing is true
7 and correct. Executed May 14, 2025, in San Francisco, California.

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11 Drew Mammel
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Exhibit A

5/9/25, 3:11 PM

State Dept. cuts poised to be more severe than previously outlined with 3,400 employees on the chopping block - Management - Government Exe...

Government Executive

State Dept. cuts poised to be more severe than previously outlined with 3,400 employees on the chopping block

By Eric Katz and David DiMolfetta

9:33 AM ET

The State Department's upcoming staff cuts are more severe than they initially appeared and are expected to impact around 3,400 employees beginning in early June, according to the agency's briefings with lawmakers and employees with knowledge of the matter.

The previously announced 132 office closures as part of Secretary Marco Rubio's reorganization of State will lead to 700 jobs being eliminated. Only then will Rubio's goal of 15% cuts go into effect, meaning an additional 2,700 employees will be subject to reductions in force or otherwise leave government. The details, which could be altered before final notices go out, were spelled out in State officials' notes of the meeting obtained by *Government Executive* and corroborated by employees familiar with the meeting and the department's plan.

The cuts will apply to both civil and foreign service positions, and foreign service officers impacted by the reductions are not expected to have the opportunity to re-bid for new roles. They will instead have to exit government, according to the briefers. Some current FSOs suggested that would not comply with the Foreign Affairs Manual and the briefers may have erroneously explained the situation.

Undersecretaries throughout State are currently finalizing plans for their offices, which they must turn over by May 19. By June 2, office eliminations will begin and RIF notices will start to go out. The reorganization will be fully implemented by July 1, according to the internal readout that was corroborated by multiple people.

Already, employees in both the office elimination tranche and in the larger, second tranche have begun to receive informal notifications their roles will be cut. Some foreign service officers who were preparing to start new roles in the coming weeks have been told those positions will no longer exist, employees said. That includes some staff in the Bureau of Energy Resources, for example, and employees set to embed in international organizations such as the World Trade Organization and United Nations.

State will not have to lay off all 3,400 employees they want to cut. While employees have reported hearing differing information on that issue, State officials told lawmakers it will count voluntary separations—such as those who leave through the latest “deferred resignation” offer—toward the cut goal. The reduction will focus on actual people, however, meaning eliminating an unfilled position will not count toward the total.

Layoffs are not expected to hit passport and visa processing with the Bureau of Consular Affairs. That bureau has around 2,400 domestic employees, about half of whom process passports, removing a large swath of the workforce from the RIF pool. Effectively, around 20% of the remaining positions will be eliminated.

The Senate Foreign Relations Committee, which received the briefing, did not return a request for comment. The meeting notes were provided to *Government Executive* from sources inside the executive branch.

5/9/25, 3:11 PM

State Dept. cuts poised to be more severe than previously outlined with 3,400 employees on the chopping block - Management - Government Exe...

As State previously laid out, the current round of layoffs will impact only domestic staff. The department told employees last month it had not yet determined whether it would close any embassies, consulates or overseas posts, though State officials briefing Capitol Hill staff said there were no current plans to close any of them. The officials said they could not confirm there would not be embassy closures in the future.

State has approved 200 positions to convert to Schedule Policy/Career—a designation formerly known as Schedule F that will make it easier to fire employees for politically motivated reasons—a relatively small figure relative to the approaches of some other agencies.

The department is set to eliminate all of its special envoys that are not mandated by law and currently filled. Some offices set for elimination will see their statutorily authorized staff transferred to other entities within State, such as some of the employees in the Global Women's Issues employees. All functions with the Executive Secretariat will be consolidated within Rubio's office.

Congressional staff told State officials some of their proposals would require legislative action and asked if the department would pursue that path, according to the briefing readout, but the officials said they had no plan to do so.

Various cybersecurity and intelligence units within the agency are expected to undergo changes, the readout stated. The Bureau of Cyberspace and Digital Policy—which focuses on advancing U.S. interests in cyberspace and developing stronger digital age alliances—is expected to be broken up, with three undersecretaries managing the office's new tranches, *Politico* reported recently.

There were bipartisan concerns about breaking up that cyber office, according to the summary of the meeting. The bureau's work focused on digital freedom will be incorporated into the office of the Under Secretary for Public Diplomacy and Public Affairs, the summary added.

All matters pertaining to security-related assistance will be consolidated under the Office of the Under Secretary for Arms Control and International Security. Additionally, analytical functions of the Bureau of Conflict and Stabilization Operations will be transferred into State's Bureau of Intelligence and Research, an intelligence community office that protects the agency's top secret networks and produces insights for diplomatic decisions.

That described change to the CSO office is not explicitly reflected in the department's updated organizational chart. Similarly, the Office of Global Criminal Justice—described in the briefing as being reassigned to the Office of the Legal Adviser—does not appear on the chart.

Frank Konkel contributed to this report.

[[Related Posts]]

By Eric Katz and David DiMolfetta

9:33 AM ET

<https://www.govexec.com/management/2025/05/state-dept-cuts-poised-be-more-severe-previously-outlined-3400-employees-chopping-block/405171/>

Exhibit B

5/9/25, 3:28 PM

More DOGE staffing cuts at NCEI, as reduction in force looms

Citizen Times

LOCAL

NCEI, office critical to disaster prep and response, hit with more DOGE staffing cuts

**Jacob Biba**

Asheville Citizen Times

May 7, 2025, 8:16 a.m. ET

Key Points

Headquartered in Asheville, the National Centers for Environmental Information faces further staffing cuts after losing 30% of its federal employees since January.

The cuts sustained thus far are part of wider voluntary resignations, retirements and terminations across the federal government under Elon Musk's Department of Government Efficiency.

A further reduction in force at NCEI is planned for later this year, according to internal briefing material obtained by the Citizen Times.

ASHEVILLE – After initial rounds of staffing cuts reduced the number of federal employees at the National Centers for Environmental Information earlier this year, more cuts loom for the office that manages climate data critical to disaster preparation and response, according to internal briefing material obtained by the Citizen Times.

NCEI, which is overseen by the National Oceanic and Atmospheric Administration, has offices in North Carolina, Colorado, Mississippi and Maryland. Headquartered in Asheville, the office manages a massive archive of climate data collected by NOAA scientists, researchers and others.

Since January, according to the briefing material, more than 30% of the NCEI's federal employees have either left or are scheduled to leave their roles as of May 2, reducing staff size from more than 175 employees to approximately 120.

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More DOGE staffing cuts at NCEI, as reduction in force looms

Of the nearly 60 employees listed as having left, or planning to leave, most elected to resign or retire, either through the federal government's voluntary buyout or deferred resignation programs. Some employees who accepted President Donald Trump's "Fork in the Road" deferred resignation offer, which was sent to more than 2 million federal workers shortly after Trump took office, will stay on through at least September, according to the memo.

Earlier this year, nine probationary workers at NCEI were terminated, the Citizen Times previously reported.

It's unclear the total number of NCEI staff members affected at the Asheville headquarters inside the Veach-Baley Federal Building in downtown. In March, the Citizen Times reported that more than 10 people had been impacted at the time.

A NOAA spokesperson did not respond to a request for comment from the Citizen Times. The agency typically does not comment on personnel matters.

Wave of cuts

The cuts at NCEI are part of a wave of terminations across the federal government led by billionaire Elon Musk and his Department of Government Efficiency.

Within NOAA, which also oversees the National Weather Service and National Hurricane Center, about 20% of the agency's 12,000 workers have taken buyouts or been laid off, USA TODAY reported in March. The agency is responsible for forecasting and tracking hurricanes and other hazardous weather. NOAA, specifically, was the target of Project 2025, a conservative playbook of policy recommendations created by the Heritage Foundation, which calls for the agency to be dismantled.

According to the briefing material obtained by the Citizen Times, more staffing cuts are slated for NCEI through a reduction in force planned for later this year.

5/9/25, 3:28 PM

More DOGE staffing cuts at NCEI, as reduction in force looms

The most recent departures at NCEI come less than eight months after Tropical Storm Helene pummeled Western North Carolina with torrential rains, triggering deadly flooding and landslides. Data from NCEI, the NWS and NOAA's other branches helped forecasters and emergency managers predict not only the storm's deadly path, but also its potential for devastation.

The terminations and voluntary retirements and resignations at NCEI also come as steep staffing cuts hit another agency critical to disaster preparation and response: the Federal Emergency Management Agency. In May, USA TODAY reported at least 2,000 of FEMA's roughly 6,100 full-time employees have either left or plan to leave the agency, not including the reduction in force expected to occur across the federal government later this year.

USA TODAY national correspondent Dinah Voyles Pulver contributed to this reporting.

More: Asheville Federal Building could be sold by Trump administration; ID'd as 'non-core asset'

More: DOGE staffing cuts hit NCEI; manages climate data crucial to disaster prep and response

Jacob Biba is the Helene recovery reporter at the Asheville Citizen Times, part of the USA TODAY Network. Email him at jbiba@citizentimes.com.

Exhibit C

5/13/25, 10:01 AM

E.P.A. Plans to Shut Down the Energy Star Program - The New York Times

The New York Times<https://www.nytimes.com/2025/05/06/climate/epa-energy-star-eliminated.html>

E.P.A. Plans to Shut Down the Energy Star Program

Employees were told that the popular energy efficiency certification program would be “de-prioritized and eliminated,” according to documents and a recording.

Listen to this article · 5:44 min [Learn more](#)**By Lisa Friedman and Rebecca F. Elliott**

May 6, 2025

The Environmental Protection Agency plans to eliminate Energy Star, the popular energy efficiency certification for dishwashers, refrigerators, dryers and other home appliances, according to agency documents and a recording of an internal meeting.

E.P.A. managers announced during a staff meeting on Monday that divisions that oversee climate change and energy efficiency would be eliminated as part of an agency reorganization. That includes the E.P.A.’s climate change office as well as the division that oversees Energy Star.

“The Energy Star program and all the other climate work, outside of what’s required by statute, is being de-prioritized and eliminated,” Paul Gunning, the director of the E.P.A. Office of Atmospheric Protection, told employees during the meeting, according to the recording obtained by The New York Times. Mr. Gunning’s office itself is also slated for elimination.

For the past 33 years, Energy Star has been known for its recognizable blue label, which shows that an appliance has met energy efficiency standards set by the federal government.

It has been credited with changing the way Americans shop by encouraging manufacturers to make products that use less power, as well as with reducing pollution and greenhouse gas emissions.

Since its creation under the first President George Bush in 1992, Energy Star has helped households and businesses save more than \$500 billion in energy costs and to get rebates and tax credits, according to the program's 2024 report. At the same time, it has also prevented four billion metric tons of greenhouse gases from being released into the atmosphere.

Nearly 90 percent of American consumers recognize the Energy Star label, according to the government. "It's an easy way for them to identify high energy efficiency equipment," said Steve Nadel, executive director of the American Council for an Energy-Efficient Economy.

"It's had widespread support from all presidents except for Trump," Mr. Nadel said.

President Trump has railed against energy efficient appliances and taken particular aim at shower heads and toilets that are designed to conserve water.

During his first term, Mr. Trump tried to eliminate funding for Energy Star, describing it as not essential to the core mission of the E.P.A. and something that could be run by the private sector. The effort to defund the program prompted a backlash from lawmakers in both parties who said privatizing it could lower the program's standards.

Mr. Trump's 2026 budget plan for the E.P.A. cuts the Office of Atmospheric Protection but makes no mention of Energy Star specifically.

Molly Vaseliou, a spokeswoman for the E.P.A., did not confirm that the program was being eliminated. She said in a statement that the agency had announced "organizational improvements to the personnel structure that will directly benefit

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E.P.A. Plans to Shut Down the Energy Star Program - The New York Times

the American people and better advance the agency's core mission.”

A chart obtained by The New York Times indicates that other programs on the chopping block include the E.P.A.'s work on climate economics, climate science, climate policy, greenhouse gas reporting, and a voluntary program in which industries work with the agency to slash emissions of methane, a potent greenhouse gas.

The chart says that staff “may be reassigned to other positions” in the E.P.A.'s air offices.

Paula R. Glover, president of the Alliance to Save Energy, a group that promotes energy efficiency, said the Energy Star program cost \$32 million but delivered \$40 billion in annual savings on utility bills.

“Eliminating the Energy Star program is counterintuitive to this administration's pledge to reduce household costs,” she said.

Mr. Trump also maintains that the United States faces an energy emergency.

Ms. Glover said she agreed that the country faced an energy crisis, with electricity demand expected to grow by 35 to 50 percent by 2040. That makes energy efficiency efforts like Energy Star crucial, she said.

“We are not going to be able to just build our way out of our energy needs,” she said.

In March, dozens of companies and trade organizations, including the United States Chamber of Commerce, implored Lee Zeldin, the E.P.A. administrator, to protect Energy Star. They represented a range of industries including heating, lighting, home appliances and food-equipment manufacturers.

“The ENERGY STAR program is an example of an effective non-regulatory program and partnership between the government and the private sector,” they wrote. “Eliminating it will not serve the American people.”

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E.P.A. Plans to Shut Down the Energy Star Program - The New York Times

The changes at E.P.A. are part of a broader restructuring. Last week, staff members were informed that scientists would be dispersed from the agency's independent research office to other divisions where, among other things, they would be responsible for approving the use of new chemicals.

Marie Owens Powell, the president of the E.P.A.'s biggest union, said on Tuesday she had been "barred from attending" meetings in which the reorganization was discussed. When she tried to join the discussions virtually, Ms. Powell said, she received a message informing her she did not have permission to enter.

"The actions of the agency yesterday were nothing short of union busting and a complete disregard for the rights of the E.P.A. employees," she said in a letter to Mr. Zeldin.

Mr. Zeldin also announced that the agency overhaul would shrink the staffing to levels last seen during the Reagan administration, when it had between 1,000 to 3,000 fewer employees.

Lisa Friedman is a Times reporter who writes about how governments are addressing climate change and the effects of those policies on communities.

Rebecca F. Elliott covers energy for The Times with a focus on how the industry is changing in the push to curb climate-warming emissions.

A version of this article appears in print on , Section A, Page 17 of the New York edition with the headline: E.P.A. Will Close Out Energy Star Certification Program for Appliances

Exhibit D

5/13/25, 10:00 AM

Energy Star, efficiency program that has steered consumer choice, targeted in cuts : NPR



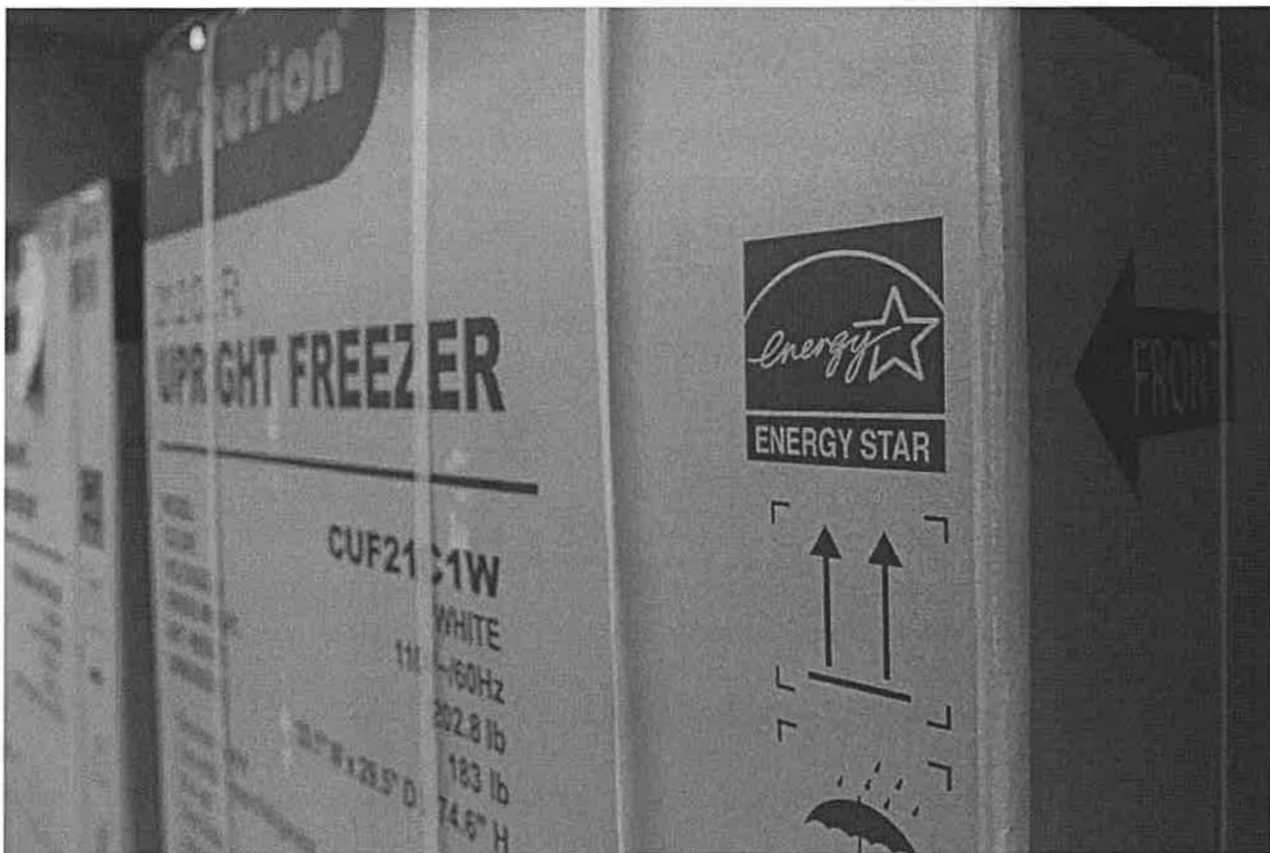
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BUSINESS

Energy Star, efficiency program that has steered consumer choice, targeted in cuts

MAY 7, 2025 · 7:46 PM ET

By The Associated Press



An Energy Star logo is displayed on a box for a freezer Jan. 21, 2025, in Evendale, Ohio.

Joshua A. Bickel/AP

An Environmental Protection Agency plan to eliminate its Energy Star offices would end a decades-old program that gave consumers a choice to buy environmentally friendly refrigerators, dishwashers and other electronics and save money on electric bills, consumer and environmental groups said.

5/13/25, 10:00 AM

Energy Star, efficiency program that has steered consumer choice, targeted in cuts : NPR

**BUSINESS****Why oil prices are falling and what it means for the economy**

The changes, outlined in agency documents reviewed by The Associated Press, are part of a broad reorganization at the EPA that would eliminate or reorganize significant parts of the office focused on air pollution. Those plans advance President Trump's sharp turn away from the prior administration's focus on climate change.

The EPA did not confirm directly it was ending the program, first reported Tuesday by CNN, but said the reorganization "is delivering organizational improvements to the personnel structure that will directly benefit the American people and better advance the agency's core mission, while Powering the Great American Comeback."

Sponsor Message

The EPA launched Energy Star in 1992 with the goal of tackling environmental protection and economic growth. It boosts the market for energy-efficient products and benefits companies that design appliances that earn the label. A home that decides to buy Energy Star products can save \$450 annually on energy costs, the program's website says.

"People recognize it right away, so they would be like 'oh, it is Energy Star, so I should probably go with this one,'" said Francis Dietz, spokesperson with the trade

5/13/25, 10:00 AM

Energy Star, efficiency program that has steered consumer choice, targeted in cuts : NPR

association Air-Conditioning, Heating, and Refrigeration Institute.



POLITICS

Trump has declared a 'national energy emergency.' What does that mean?

Steven Nadel, executive director of the American Council for an Energy-Efficient Economy, said the program enjoyed bipartisan support until recently. It promotes efficiency by tightening standards when lots of products are able to meet the label requirements, he said.

Big savings in money and pollution

Since its start, the program has reduced energy costs by more than \$500 billion and prevented about 4 billion metric tons of planet-warming greenhouse gas emissions, according to its website. Appliances can be responsible for tons of air pollution, but efficiency measures can reduce the carbon dioxide, methane, sulfur dioxide, nitrogen oxide and fine particulate matter that producing the electricity releases into the atmosphere. These pollutants can harm the heart and lungs, and cause other health issues.

Sponsor Message



Trump's proposed budget asks that Congress eliminate the EPA's entire Atmospheric Protection Program, which houses the offices that run Energy Star. The budget described the program as "an overreach of Government authority that

5/13/25, 10:00 AM

Energy Star, efficiency program that has steered consumer choice, targeted in cuts : NPR

imposes unnecessary and radical climate change regulations on businesses and stifles economic growth."

But Sarah Gleeson, climate solutions research manager at the climate action nonprofit Project Drawdown, said America's energy independence depends on the ability to meet U.S. energy demands, and cutting the program imperils that and strains households at the same time.

Gleeson said losing Energy Star will make it harder for consumers to have trustworthy information about products' energy use.

Label is voluntary, and Congress ordered it

The Energy Star label is voluntary for products that meet certain efficiency levels, and differs from Department of Energy standards that set minimum efficiency requirements that products must meet to be legally sold. In the 2000s, Congress directed the EPA and Department of Energy to run an energy-efficiency program and promote Energy Star.

The DOE did not comment on the changes and its role moving forward, deferring questions to the EPA. According to the program's website, DOE's role includes developing product testing procedures. The EPA is responsible for setting performance levels and ensuring consumers can rely on the label.

The Association of Home Appliance Manufacturers said it supports a streamlined Energy Star program through the DOE. Spokeswoman Jill Notini said that "would meet the administration's goals of preserving a full selection of products from which consumers can choose, and reducing unnecessary regulatory burden."

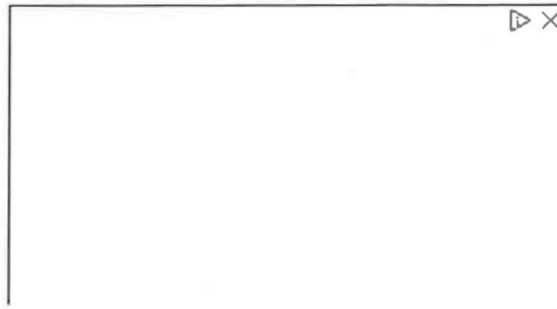
The move is the latest in the Trump administration's broader deregulatory effort. They've announced plans to slash Biden-era policies to reduce greenhouse gas emissions and prioritized fossil fuels and an energy-dominance policy.

The president has been particularly keen on eliminating efficiency standards, arguing they result in products that cost more and are less effective, and that they deny consumer choice. Trump has reversed rules restricting water flow for showerheads and other household appliances.

5/13/25, 10:00 AM

Energy Star, efficiency program that has steered consumer choice, targeted in cuts : NPR

Sponsor Message



Trump targeted Energy Star during his first stint in the White House, but faced backlash.

"For an administration who keeps claiming the country is facing an 'energy emergency,' Trump continues to attack any and all efforts aimed at saving energy through efficiency," Xavier Boatright, deputy legislative director for clean energy and electrification at Sierra Club said in a statement. "When we waste energy through inefficient appliances the fossil fuel industry uses it as an excuse to extract and sell more of its product to make more money on the backs of the American people."

energy efficient energy consumption energy bill epa

Exhibit E

POLITICO



RFK Jr., DOGE gutted legally required offices. Courts may undo it all.

Federal workers, Democratic lawmakers, state officials and independent legal experts say keeping offices afloat in name only – with minimal or no staff – is an unconstitutional power grab.



People demonstrate outside the main campus of the Centers For Disease Control and Prevention on April 1, 2025, in Atlanta. | Elijah Nouvelage/Getty Images

By ALICE MIRANDA OLLSTEIN and SOPHIE GARDNER

05/11/2025 12:00 PM EDT



The Trump administration's purge of the health department is cutting so deep that it has incapacitated congressionally mandated programs and triggered legal challenges.

The administration insists the cuts are a lawful "streamlining" of a "bloated" agency, but federal workers, Democratic lawmakers, state officials and independent legal experts say keeping offices afloat in name only — with minimal or no staff — is an unconstitutional power grab.

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AD

While agencies have some discretion over how to fulfill Congress's demands, the upheaval inside the Department of Health and Human Services has claimed a host of programs the agency is required by Congress to maintain — cuts that are especially vulnerable to lawsuits and could upend Health Secretary Robert F. Kennedy Jr.'s goal of slimming down a workforce he has repeatedly said is rife with waste, fraud and abuse.

A federal judge Friday temporarily blocked the Trump administration's sweeping layoffs at several agencies, including HHS, saying that cooperation of the legislative branch is required for large-scale reorganizations.

Kennedy eliminated thousands of jobs in early April, paralyzing programs across the Centers for Disease Control and Prevention, and particularly in the National Institute for Occupational Safety and Health, that monitored health

threats, researched cures and investigated everything from toxic fumes in fire stations to outbreaks of gonorrhea.

The layoffs at NIOSH have halted the National Firefighter Cancer Registry, Fire Fighter Fatality Investigation and Prevention Program, Health Hazard Evaluation Program, Respirator Approval Program and Coal Workers' Health Surveillance Program. All are required by law, but their government websites explain they are no longer operating because of the layoffs.

"If the law requires you, the executive, to do this work, you have, in a back door way, thumbed your nose at Congress by firing the people who are actually necessary to get that work done," said Max Stier, the president and CEO of the nonpartisan, nonprofit Partnership for Public Service, whose mission is supporting the federal workforce. "The executive branch is supposed to execute — the name says it all. It doesn't have the right to determine where money is spent and how much money is spent. "

HHS spokesperson Andrew Nixon told POLITICO that "critical initiatives under NIOSH will remain intact."

"The Trump administration is committed to taking care of coal miners and

firefighters, who play a vital role in supporting this nation,” Nixon said. “HHS remains fully committed to supporting American families and delivering critical services as part of its reorganization to better serve the nation’s health.”

Advertisement

The CDC was aware, however, that the moves could be legally problematic. In early April, Trump’s Department of Government Efficiency team — which pushed federal agencies across the government to slash their workforce by thousands — flagged to the agency’s leadership that many programs on the chopping block were mandated by Congress and that cutting them posed a “litigation risk,” according to a memo sent to CDC and viewed by POLITICO.

And while the administration has pledged that “essential services ... will remain fully intact and uninterrupted” and has repeatedly claimed that core programs will transfer to the yet-to-be-created Administration for a Healthy America, or AHA, interviews with staff and public notices on the CDC’s website show that the programs are no longer operational.

“The idea that you can have a program with no people in it and no money in it, and that somehow, then you have not eliminated it — that’s just smoke and mirrors,” a high-level CDC official, granted anonymity for fear of retaliation, told POLITICO. “AHA, apparently, is where programs go to die.”

The “confidential” DOGE memo lists “statutory minimum requirements” for several CDC offices, including NIOSH, and details which programs are mandated by Congress and for which the health secretary has discretion. Some workplace health and safety programs, DOGE stressed, only have to be maintained “to the extent feasible.”

“We could argue this delegation is no longer feasible,” the document says. “But there is a significant risk that a court would disagree.”

Days after the memo was sent, the Trump administration eliminated most or

all of the staff running several programs mandated by Congress, bringing their work to a halt. Some employees were brought back in early May but told their jobs would be gone again in the coming months.

The budget request the White House sent Congress on May 2 proposed slashing more than a quarter of HHS' budget, a reduction of tens of billions of dollars, while allocating \$500 million to the new "AHA" office that Kennedy said will take over many of the programs impacted by cuts. The budget also urges Congress to get rid of "duplicative, DEI, or simply unnecessary programs," including the National Center for Injury Prevention and Control — which the DOGE memo said the department is legally required to maintain.

Some congressionally mandated programs saw their entire staff dismissed, including the firefighter cancer registry that was created by legislation President Donald Trump signed in his first term. Micah Niemeier-Walsh, vice president of the American Federation of Government Employees Local 3840, said she and every other member of the National Firefighter Registry for Cancer team received notices that their jobs would be eliminated this summer.

The cancer registry, along with NIOSH's Fire Fighter Fatality Investigation and Prevention Program, Health Hazard Evaluation Program, Respirator Approval Program and Coal Workers' Health Surveillance Program, all state on their government websites that they are no longer operating because of the layoffs.

"I don't know how they're planning on actually doing ... a meaningful scientific study, like it's supposed to be, if there aren't any scientists to work on that study," Niemeier-Walsh said.

Other programs lost most but not all of their staff, but federal workers said those layoffs have left those who remain unable to do their work.

An official in NIOSH's National Personal Protective Technology Laboratory, granted anonymity out of fear of retaliation, said all but seven of the more than 75 workers in that office were given layoff notices, rendering it "no longer functioning." A notice on the lab's website reads: "Due to the reduction in force

across NIOSH, no new respirator approval applications can be accepted.”

The official warned that the cuts have not only wiped out their ability to test and certify new types of respirators — as required by Congress since 2001 — but also to inspect the thousands of breathing masks the lab already approved. The official predicted this will lead to an influx of shoddy or counterfeit respirators and the loss of the public’s trust in NIOSH’s certification.

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Beyond the laws requiring these programs exist, there are federal laws that require workers wear NIOSH-approved protective gear, including health care workers who use filtering facepiece respirators and firefighters who use self-contained breathing apparatuses.

Stier, an attorney, believes these Trump administration cuts go “beyond their legal institutional authority.” But stopping the layoffs and preventing new ones “really requires the courts to do their jobs, and Congress, to stand up to an executive invading their prerogatives,” he said.

The American Federation of Government Employees sued the Trump administration over the cuts, along with other unions representing federal workers and local government officials. They argued last week that “only Congress has the power to change the federal government in the ways the President has directed.”

Senior U.S. District Judge Susan Illston in San Francisco agreed, noting in her Friday ruling, which blocked Trump’s executive order, that while the president may reorganize the executive branch, “he must do so in lawful ways and, in the case of large-scale reorganizations, with the cooperation of the legislative branch.”

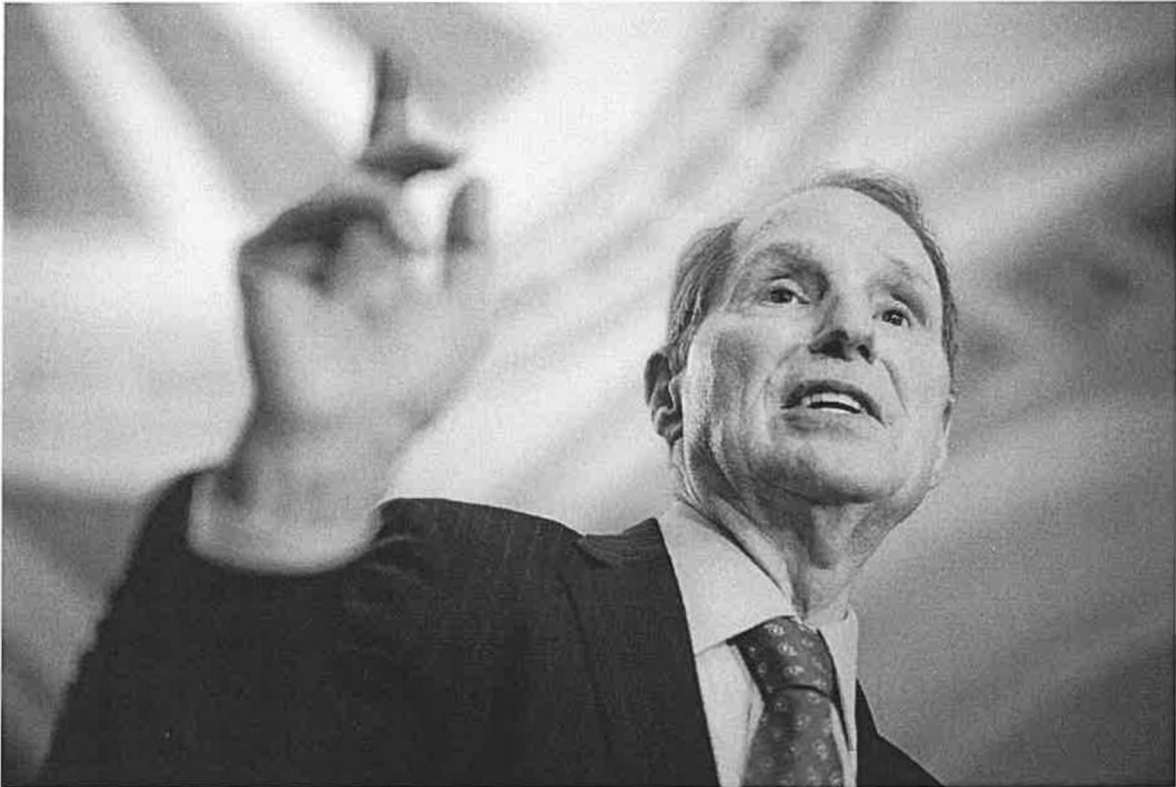
The Department of Justice appealed the ruling, and the next hearing is scheduled for May 22.

Nearly two dozen Democratic state attorneys general have also sued over the “evisceration of the Department’s statutorily mandated work promoting public health” in a Rhode Island federal court. Their complaint points in particular to cuts that have shuttered the CDC’s Atlanta-based lab that analyzes samples of sexually transmitted infections from around the country, citing a notice the agency posted April 11 listing nearly 100 kinds of tests that are “no longer performed at CDC” — including those for gonorrhea, chlamydia and syphilis.

Some lawmakers, including those who drafted the legislation that created and funded the now-gutted programs, are also pushing back.

Sen. Ron Wyden (D-Ore.) sponsored the 1992 bill that created the CDC’s Assisted Reproductive Technology Surveillance System when he served in the House. Every employee working on the program, which tracks the safety and success rates of every fertility clinic in the country, was put on administrative leave in April and told they would lose their jobs this summer.

“Congress has the power of the purse,” Wyden said. “This law has been on the books — I’ve watched it carefully over the years. ... It is stunning that somebody would call himself essentially Mr. Fertilization and then walk back [this] program,” he added, referencing Trump’s campaign statements in support of IVF.



Ron Wyden joined with a dozen Democratic colleagues on a letter to Kennedy demanding answers about cuts to the CDC's Assisted Reproductive Technology Surveillance System staff. | Andrew Harnik/Getty Images

Wyden joined with a dozen Democratic colleagues on a letter to Kennedy on Thursday demanding answers by May 16 to several question about cuts to the CDC team, including the justification for each worker's termination, whether and when they will be reinstated, whether Elon Musk was involved in the decision to cut the team, and what will happen to the data IVF clinics continue to submit to the now-shuttered office.

Some Senate Republicans, including Susan Collins of Maine, Lisa Murkowski of Alaska and Shelley Moore Capito of West Virginia, are also telling administration officials and the public that they oppose the cuts, casting them as harmful to their constituents and a violation of Congress' power. But other lawmakers, while expressing fear about the impact of the layoffs on workers in their states, said they trust the president to make things right without Congress' involvement.

West Virginia Republican Sen. Jim Justice told POLITICO that he's

“concerned” but not “super nervous” about the layoffs in NIOSH’s Morgantown office that have hampered the congressionally mandated program which has screened coal miners for black lung disease for more than 50 years.

“There is just plain no way that Donald Trump is going to do something to endanger the health of our coal miners — especially at the same time that we’re asking more of them,” he said, citing Trump’s call to increase domestic coal production. “Even if the jobs left us, which we don’t want to believe, I do believe they’re going to be merged into another organization. It may look a little different, but it will serve the purpose.”

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